

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS L. TERRY,)	
)	
Petitioner,)	Civil Action No. 08-287
)	
v.)	Chief Judge Ambrose
)	Magistrate Judge Caiazza
SUPT. SCRF MERCER, <i>et al</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

Thomas L. Terry's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254 was received by the Clerk of Court on February 28, 2008, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on February 28, 2008, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Terry be dismissed as a successive petition. The parties were allowed ten days from the date of service to file objections. Terry filed objections on March 5, 2007 (Doc. 4).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 12th day of March, 2008,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas

Corpus filed by Thomas L. Terry is dismissed, and a certificate of appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 3), dated February 28, 2008, is adopted as the opinion of the court.

A handwritten signature in black ink, appearing to read "Donetta H. Ambrose".

s/Donetta Ambrose

Donetta Ambrose

Chief U.S. District Court Judge

cc:
THOMAS L. TERRY EJ-2540
SCRF Mercer
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